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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,598	11/04/2003	Joseph Edward Fattori	IR 6239-00	6507

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EXAMINER

COLE, LAURA C

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,598

Applicant(s)

FATTORI, JOSEPH EDWARD

Examiner

Laura C. Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hwang, USPN 5,381,576.

Hwang discloses the claimed invention including a toothbrush comprising a handle (10; Column 2 Lines 40-41), a head (30) with cleaning elements (31) thereon movable relative to the handle (Abstract), a motor (20) with a drive shaft (unlabeled, see Figure 7), a first housing (22) fixedly connected to a shaft (21) which is a cam device (21), a second housing (42) having a cam device (50) cooperatively engaged with the cam device on the first housing (see Figures 3-4D) to convert rotational movement of the first housing into reciprocating motion of the second housing along the longitudinal axis of the toothbrush (see Figures; Abstract), and an extension of the second housing (40) cooperatively mating with an opening in a portion of the head (see Figure 7) to translate reciprocating movement of the second housing into oscillating motion of the cleaning elements (Abstract). The head of the toothbrush is removable (Column 3 Lines 9-11).

2. Claims 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Spohr, USPN 3,379,906.

Spohr discloses the claimed invention including a toothbrush comprising a handle (24), a head (21) with cleaning elements (unlabeled, brush, Column 3 Lines 3-

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24) thereon movable relative to the handle (see movement arrows in Figure 1; Column 10 Lines 65-72), a motor (33) with a drive shaft (45), a first housing (42d) fixedly connected to a drive shaft (45, see Figures 7-9) having a first cam device thereon (62, 67), a second housing (63b) having a cam device (63, 75) cooperatively engaged with the cam device on the first housing (see Figures 7-9) to convert rotational movement of the first housing into reciprocating motion of the second housing along the longitudinal axis of the toothbrush (see Figures; Column 5 Lines 52 to Column 6 Line 6), and an extension of the second housing (22) cooperatively mating with an opening in a portion of the head (see Figure 1) to translate reciprocating movement of the second housing into oscillating motion of the cleaning elements about the longitudinal axis of the toothbrush (see movement arrows in Figure 1). The first and second cam devices on the housings are a cam follower (67) which is disposed on the first housing and mating helical track (75) which is disposed on the second housing for the cam follower. The head of the toothbrush is removable (Figure 1; Column 10 Lines 65-69 states that a toothbrush is an "attachment"). Spohr has an upper conical enclosure surrounding the housings (38), the conical enclosure having an upper sliding surface (38b). The head includes a stem with a lower sliding surface that facilitates movement across the upper sliding surface (see broken lines of "21" in Figure 1 wherein the broken lines extend on/over the portion "38b" and see movement arrows).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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3. Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spohr, USPN 3,379,906 in view of Monroe et al., USPN 3,551,931.

Spohr discloses all elements mentioned above in Paragraph 2, however does not disclose that the extension is volute.

Monroe et al. disclose a driven toothbrush that has a hydraulic motor system, however includes a removable brush head (16) with cleaning elements (15), the brush head is attached to a brush body at a sleeve (80) and is driven in an oscillatory rotary motion via a volute extension (82) and a hydraulic driving means (Column 4 Line 34 to Column 5 Line 27).

It would have been obvious for one of ordinary skill in the art to modify the extension of Spohr to be volute, as Monroe et al. teach, to impart even further oscillatory rotation of a toothbrush housing member about a longitudinal axis of the toothbrush.

Applicant's Arguments

4. In the response filed 25 February 2005, the Applicant contends that Wiedmann et al., Cheng, and Hwang fail to teach or suggest a first housing that rotates a volute extension of the second housing cooperatively mating with an opening in a portion of the head to translate reciprocating movement of the second housing into oscillating motion of the cleaning elements about a longitudinal axis.

Response to Arguments

5. Applicant's arguments, filed 25 February 2005, with respect to the rejection(s) of claim(s) 1-5 and 7 under Wiedmann et al., Cheng, and Hwang have been fully

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considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Spohr and Monroe et al.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Cole whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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